

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.4540 OF 2005

Tulshiram Dhulichand Patidar & ors. ... Applicants.

Versus.

The State of Maharashtra.

... Respondent.

Shri Sanjeev P.Kadam for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 26th July, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The Application is filed by the original Accused Nos.2 and 4 in connection with C.R. registered for offences punishable under sections 395, 365, 328, 341. 412 of the Indian Penal Code.

2. The learned Advocate for the Applicant relied upon the order dated 28th April 2005 passed by this Court in Criminal Application No.2658 of 2005 by which the co-accused were ordered to be enlarged on bail. While passing the said order, this Court observed that the prosecution case is that the applicants therein intercepted tempo in Qualis Jeep and took away goods worth Rs.32 lakhs and thereby committed dacoity. This Court observed that the said Applicants were arrested in connection with some other offence by Dewas Police Station. They were found in possession of Marshall jeep. This Court observed that the Qualis vehicle which is stated to have been used for the commission of offence of dacoity was not recovered and there is no

identification parade held with a view to identify the said Applicants.

3. The learned A.P.P. submitted that in the case of the present Applicants also test identification parade was not conducted. He submitted that there is a recovery of medicines worth about Rs.75,000/- and the said medicines form part of the goods which were the subject matter of robbery. He submitted that on all other aspects the case of the Applicants is on par with the co-accused who were enlarged on bail by this Court.

4. The Applicants were arrested on 25th June 2004. As stated earlier there is no test identification parade conducted. In view of the order dated 28th February 2005 passed by this Court in Criminal Application No.2658 of 2005 enlarging the co-accused on bail, there is no reason why the Applicants should not be enlarged on bail.

5. Hence the following order is passed:

- (i) The Applicants shall be enlarged on bail in connection with C.R.No.79 of 2004 registered with Walchand Nagar Police Station, subject to furnishing a personal bond of Rs.25,000/- (Rupees Twenty five thousand) each with two local sureties in like amount.

- (ii) The Applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.
- (iii) The Applicants shall report to the concerned Police Station once in a month on first Sunday of every English Calender Month between 10 a.m. to 2 p.m. during the pendency of the trial.
- (iv) The Applicants shall disclose their place of residence to the Investigating Officer as well as the trial Court where they would stay after the release on bail and shall report to the trial Court before they travel beyond the State of M.P. where they would ordinarily reside.
- (v) The Applicants shall cooperate for early disposal of the trial. In the event, the trial Court is of the opinion that the Applicants are responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of trial.

Judge.